



# CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Denial of Verified Claim(s) Against the City of Lodi

**MEETING DATE:** December 15, 1999

**SUBMITTED BY:** Human Resources Director

**RECOMMENDED ACTION:** To approve by motion action, denial of the following verified claim(s) filed against the City of Lodi:

	<u>Date of Loss</u>
A) Melvin Smalley	5/24/99
B) Angela Gaubay	7/26/99

**BACKGROUND INFORMATION:** Following review of the verified claims filed against the City of Lodi, the Risk Manager and/or the City's Contract Administrator, Insurance Consulting Associates, Inc. (ICA), recommend that the City deny the subject claims.

**FUNDING:** None required.

Respectfully submitted,

Joanne M. Narloch, Human Resources Director

cc: City Attorney

APPROVED:

  
H. Dixon Flynn -- City Manager

CITY COUNCIL

KEITH LAND, Mayor

STEPHEN J. MANN, Mayor Pro  
Tempore

PHILLIP A. PENNINO

ALAN NAKANISHI

SUSAN HITCHCOCK

# CITY OF LODI

CITY HALL

221 WEST PINE STREET, P.O. BOX 3006

LODI, CALIFORNIA 95241-1910

HUMAN RESOURCES: (209) 333-6704

FAX (209) 333-6816

H. DIXON FLYNN

City Manager

ALICE M. REIMCHE

City Clerk

RANDALL A. HAYS

City Attorney

## Notice of Claim Rejection

December 15, 1999

Melvin L. Smalley  
c/o Robert Williams, Attny  
110 N San Joaquin St  
Stockton, CA 95202

RE: Claim against the City of Lodi

Claimant: Melvin Smalley

Date of Loss: 5/24/99

Your Claim Number:

Our Claim Number: 663

Dear Claimant:

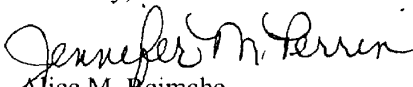
Notice is hereby given that the claim you presented to the City of Lodi on October 8, 1999, is rejected as of the date of this letter.

### Warning

Subject to certain exemptions, you have only six (6) months from the date that this notice was personally delivered or deposited in the mail to file a court action on your state law claims. See Government Code §945.6. The six month time limit referred to in this notice applies only to claims or causes of action which are governed by the California Tort Claims Act which does not apply to federal causes of action. Additionally, the Tort Claims Act contains certain exemptions. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult with an attorney, you should do so immediately.

Please also be advised that, pursuant to §128.5 and §1038 of the California Code of Civil Procedure, the City will seek to recover all costs of defense in the event an action is filed in this matter and it is determined that the action was not brought in good faith and with reasonable cause.

Sincerely,

  
for Alice M. Reimche  
City Clerk

cc: City Attorney  
Risk Manager  
Bill Benson, ICA